

JAN 18 2019

A BILL FOR AN ACT

RELATING TO FORECLOSURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 667-51, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Without limiting the class of orders not specified in
4 section 641-1 from which appeals may also be taken, the
5 following orders entered in a foreclosure case shall be final
6 and appealable:

7 (1) A minute order or judgment entered on a decree of
8 foreclosure, and if the minute order or judgment
9 incorporates an order of sale or an adjudication of a
10 movant's right to a deficiency judgment, or both, then
11 the order of sale or the adjudication of liability for
12 the deficiency judgment also shall be deemed final and
13 appealable;

14 (2) A minute order or judgment entered on an order
15 confirming the sale of the foreclosed property, if the
16 circuit court expressly finds that no just reason for
17 delay exists, and certifies the minute order or



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1 judgment as final pursuant to rule 54(b) of the Hawaii
2 rules of civil procedure; and

3 (3) A deficiency judgment; provided that no appeal from a
4 deficiency judgment shall raise issues relating to the
5 judgment debtor's liability for the deficiency
6 judgment (as opposed to the amount of the deficiency
7 judgment), nor shall the appeal affect the finality of
8 the transfer of title to the foreclosed property
9 pursuant to the order confirming sale."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~SC~~ *SC*
BTG
Randy H. Bell

S.B. NO. 866

Report Title:

Decree of Foreclosure; Final Judgment; Minute Order; Appeals;
Order Confirming Sale

Description:

Provides that a minute order entered on a decree of foreclosure incorporating an order of sale or entered on an order confirming the sale of a foreclosed property shall operate as a final, appealable order.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

